



U.S. Department of Justice
Office of Information Policy
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1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Ms. Samata Joshi
Boston University
College of Communication
Boston, MA 02215
skjoshi@bu.edu

Re: Appeal No. DOJ-AP-2018-007593
Request No. F18-00126
CDT:DRC

VIA: FOIAonline

Dear Ms. Joshi:

You appealed from the action of the Office of Professional Responsibility (OPR) on your Freedom of Information Act request for access to investigative records concerning James Seykora. I note that you have appealed OPR's refusal to confirm or deny the existence of responsive records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, I am affirming, on partly modified grounds, OPR's action on your request. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The disclosure of these records concerning a third-party individual would constitute a clearly unwarranted invasion of personal privacy and could reasonably be expected to constitute an unwarranted invasion of personal privacy. See 5 U.S.C. § 552(b)(6), (7)(C). Further, it is reasonably foreseeable that releasing any non-public records would harm the interests protected by these exemptions. Because any non-public records responsive to your request would be categorically exempt from disclosure, OPR properly asserted these exemptions and was not required to conduct a search for the requested records. See, e.g., DOJ v. Reporters Committee for Freedom of the Press, 489 U.S. 749, 780 (1989) (holding "as a categorical matter" pursuant to Exemption 7(C) that release of investigatory records concerning a third party "can reasonably be expected to invade" that person's privacy and that such an invasion is unwarranted in the absence of an overriding public interest).

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of OPR in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

2/11/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL